



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE

STATE OF CALIFORNIA

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Order Instituting Rulemaking Regarding the )  
Implementation of the Suspension of Direct Access ) Rulemaking 02-01-011  
Pursuant to Assembly Bill 1X and ) (Filed January 9, 2002)  
Decision 01-09-060 )

**COMMENTS OF**  
**SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) ON**  
**ADMINISTRATIVE LAW JUDGE PULSIFER'S DRAFT OPINION REGARDING**  
**DIRECT ACCESS AND DEPARTING LOAD COST RESPONSIBILITY SURCHARGE**  
**OBLIGATIONS**

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Dated: July 10, 2006

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RESPONSIBILITY SURCHARGE OBLIGATIONS**

**I.**

**INTRODUCTION**

Pursuant to Rule 77.2 of the Commission’s Rules of Practice and Procedure, Southern California Edison Company (“SCE”) respectfully submits these comments on the Departing Load (DL) portions of Administrative Law Judge (“ALJ”) Pulsifer’s Draft Opinion (the “Draft Opinion”) Regarding Direct Access and Departing Load Cost Responsibility Surcharge Obligations.<sup>1</sup> SCE supports the DL portions of the Draft Opinion with the following revisions:

- The Draft Opinion errs in stating that “no CRS undercollections apply to MDL customers as of December 31, 2005” (at Section III.A and Finding of Fact 30). This statement should be revised to provide that “as of December 31, 2005, no DWR power charge undercollections apply to

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<sup>1</sup> SCE has also joined in the DA Agreement Parties’ Joint Comments on the DA portions of the Draft Opinion, which are to be filed today by Pacific Gas and Electric Company (“PG&E”). In addition, SCE has also joined California Large Energy Consumers Association, California Manufacturers and Technology Association, and The Utility Reform Network in joint comments to be filed today on a single issue that has to do with the calculation of the CRS Undercollection Charge applicable to SCE’s DA-eligible customers that have returned to bundled service.

MDL customers whose serving publicly owned utility (POU) was serving 100 customers as of July 10, 2003.”

- The Draft Opinion should be modified to *not* apply a total URG portfolio adjustment (“TPA”) to the ongoing Competitive Transition Charge (CTC) obligation of MDL customers exempt from the DWR power charge. A total portfolio indifference approach should only apply to customers responsible for DWR power costs. However, if the Commission decides that the TPA should apply to MDL customers exempt from the DWR power charge, as the Draft Opinion proposes, then at a minimum, the Draft Opinion should clarify that the TPA applied to the ongoing CTC obligation of MDL customers exempt from the DWR power charge should not result in a credit that exceeds the ongoing CTC, but should only be applied up to the amount of the ongoing CTC. In other words, consistent with the findings in Section III-E of the Draft Opinion, the TPA should not result in an offset of other CRS components or a payment to MDL customers.

## II.

### **DISCUSSION**

#### **A. The Draft Opinion’s Statement that No CRS Undercollections Apply to MDL Customers as of December 31, 2005 is Incorrect**

The Draft Opinion errs in concluding that “no CRS undercollections apply to MDL customers as of December 31, 2005.”<sup>2</sup> This is because MDL customers that are exempt from the DWR power charge component may still be responsible for the undercollections of other CRS components, such as the DWR bond charge and the ongoing CTC. In addition, certain MDL customers may, in fact, eventually not qualify for the DWR power charge exemption, even though no MDL customers have been disqualified to date. It is possible that some POUs that began operations prior to December 31, 2005 may not satisfy the criteria of serving 100 customers as of July 10, 2003 to be eligible for the DWR power charge exemption. In this case, the MDL

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<sup>2</sup> See the Draft Opinion at Section III.A and Finding of Fact (FOF) 30.

customers of such POU's would be responsible for some DWR power charge undercollection as of December 31, 2005, and beyond, until the issues of billing and collection of their obligation is resolved by the Commission.

The Draft Opinion should be revised in Section III.A to state that “as of December 31, 2005, no DWR power charge undercollections apply to MDL customers whose serving POU was serving 100 customers as of July 10, 2003,” and in Finding of Fact 30 to find that “as of December 31, 2005, no reported DWR power charge undercollections apply to MDL customers whose serving POU was serving 100 customers as of July 10, 2003.”

**B. The Total Portfolio Adjustment Applied to the Ongoing CTC Obligation of MDL Customers Exempt from the DWR Power Charge Should Not Result in a Credit that Exceeds the Ongoing CTC**

As the Draft Opinion notes, the Working Group parties reached a consensus that DA and MDL customers not exempt from the DWR power charge should pay the sum of the ongoing CTC and the Power Charge Indifference Rate, and that this approach would not modify their ongoing CTC obligation.<sup>3</sup> However, no consensus was reached on how to determine the CRS obligation of MDL customers exempt from the DWR power charge. Parties disagreed as to whether a TPA should apply to MDL customers who are exempt from the DWR power charge but pay the ongoing CTC. The Draft Opinion finds that applying the TPA which reflects the residual URG portfolio in computing the CRS of MDL customers exempt from the DWR power charge is appropriate.<sup>4</sup>

SCE has already articulated why it believes the TPA should *not* apply to the ongoing CTC obligation of MDL customers who are exempt from the DWR power

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<sup>3</sup> See the Draft Opinion at Section III.C.

<sup>4</sup> See *id.*

charge.<sup>5</sup> SCE will not repeat those arguments here.<sup>6</sup> SCE urges the Commission to modify the Draft Opinion consistent with those arguments. However, if the Commission declines to do so, then at a minimum, the Draft Opinion should be revised to clarify that the TPA only applies up to the amount of the ongoing CTC. If the TPA is greater than the ongoing CTC, the ongoing CTC should be entirely offset, but the adjustment should not result in a negative amount credited to any other CRS component or paid to MDL customers. This is consistent with the consensus approach for DA customers that are not exempt from the DWR power charge and with the findings in Section III.E of the Draft Opinion that one negative CRS component should not be used to offset another, or be credited to an MDL customer thereby rewarding that customer for departing from the IOU.

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<sup>5</sup> SCE's positions on this issue are summarized in the Draft Opinion at Section III.C.

<sup>6</sup> SCE supports the arguments advanced by PG&E and San Diego Gas & Electric Company on this issue in their joint opening comments on the DL portions of the Draft Opinion.

**III.**

**CONCLUSION**

SCE urges the Commission to adopt the Draft Opinion with the revisions to the DL portions discussed herein.

Respectfully submitted,

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/s/

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By: Janet S. Combs  
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July 10, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of **COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) ON ADMINISTRATIVE LAW JUDGE PULSIFER'S DRAFT OPINION REGARDING DIRECT ACCESS AND DEPARTING LOAD COST RESPONSIBILITY SURCHARGE OBLIGATIONS** on all parties identified on the attached service list. Service was effected by one or more means indicated below:

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Executed this **10th day of July, 2006**, at Rosemead, California.

/s/ \_\_\_\_\_  
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